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*Attorneys for Defendant
CSX Transportation, Inc.*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:	:	Case No.:	<u>12-30629</u>
NORTH CONNECTIONS	:	Judge:	<u>KCF</u>
LOGISTICS, INC.,	:	Chapter:	<u>7</u>
Debtor.	:		
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NORTH CONNECTIONS	:		
LOGISTICS, INC.,	:		
Plaintiff,	:	Adv. Pro. No. 12-01979-KCF	
v.	:		
CSX TRANSPORTATION, INC.,	:		
Defendant.	:		

**NOTICE OF DEFENDANT
CSX TRANSPORTATION INC.'s
MOTION TO DISMISS THE COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the Certification of Barbra R. Parlin executed on December 17, 2012 and the Exhibits thereto, and all prior pleadings and proceedings herein, defendant CSX Transportation, Inc. ("CSXT"), will move before the Honorable Kathryn C. Ferguson, United States Bankruptcy Judge at the

Courthouse, 402 East State Street Trenton, N.J. 08608, on February 26, 2013 or as soon thereafter as counsel may be heard, for an order dismissing the adversary complaint of North Connections Logistics, Inc. ("NCL") in its entirety pursuant to Federal Rule of Civil Procedure 12(b)(3), 12(b)(6) made applicable to this adversary proceeding pursuant to Federal Rule of Bankruptcy Procedure 7012(b), on the grounds that: (i) the claim at issue is subject to arbitration, (ii) the Complaint fails to state a claim upon which relief may be granted; and (iii) this Court is not the proper venue, and granting such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that the parties have agreed that opposition papers, if any, must be filed with this Court and served upon parties to this action on or before February 1, 2013. Reply papers, if any, will be filed and served on or before February 22, 2013.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 9013-1(f), Defendant CSXT requests that it be heard during oral argument on its motion to dismiss.

Dated: New York, New York
December 17, 2012

HOLLAND & KNIGHT LLP

By: /s/ Barbra R. Parlin
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